

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 22-CR-

[18 U.S.C. §§ 2(a), 371, 842, 844(f), 844(i),
844(n); 26 U.S.C. § 5861]

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22-CR-32

GERRELL BUFFORD,
DEREK SMITH,
JAVIER THOMPSON,
LAWRENCE TURNER,
DEMETRIUS POWELL, aka "Nickalas Powell," and
WILLIAM LIBBY III,

Defendants.

INDICTMENT

THE GRAND JURY CHARGES THAT:

Allegations Common to Counts One and Two

1. At all times relevant to Counts One and Two:
 - a. The Milwaukee Police Department was an institution receiving Federal financial assistance, within the meaning of Title 18, United States Code, Section 844(f)(1).
 - b. The 2016 Chevrolet Tahoe vehicle bearing Wisconsin municipal license plate E6474 was possessed by the Milwaukee Police Department.

COUNT ONE

THE GRAND JURY FURTHER CHARGES THAT:

2. The allegations set forth above in paragraph one are hereby incorporated in support of the following charge as if set forth in full here.

3. On or about July 5, 2021, in the State and Eastern District of Wisconsin,

**GERRELL BUFFORD and
DEREK SMITH**

maliciously damaged, and attempted to damage, by means of an explosive, the 2016 Chevrolet Tahoe vehicle bearing Wisconsin municipal license plate E6474, which resulted in personal injury to K.S.; personal injury to E.M.; and created a substantial risk of injury to persons known and unknown to the Grand Jury.

All in violation of Title 18, United States Code, Sections 844(f)(1), 844(f)(2), and 2(a).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

4. The allegations set forth above in paragraph one are hereby incorporated in support of the following charge as if set forth in full here.

5. Beginning on or about July 4, 2021, and continuing until on or about July 5, 2021, in the State and Eastern District of Wisconsin,

**GERRELL BUFFORD,
DEREK SMITH, and
JAVAIER THOMPSON**

knowingly and willfully conspired with each other and others, known and unknown to the Grand Jury, to maliciously damage, and attempt to damage, by means of an explosive, the 2016 Chevrolet Tahoe vehicle bearing Wisconsin municipal license plate E6474.

All in violation of Title 18, United States Code, Sections 844(f)(1) and 844(n).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

6. Beginning on or about July 4, 2021, and continuing until on or about July 5, 2021, in the State and Eastern District of Wisconsin,

**GERRELL BUFFORD,
DEREK SMITH, and
JAVAIER THOMPSON**

knowingly and willfully conspired with each other and others, known and unknown to the Grand Jury, to commit offenses against the United States, namely:

- a. to unlawfully possess destructive devices not registered in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Section 5861(d); and,
- b. to unlawfully transport and receive explosives in interstate commerce, with the intent and knowledge that the explosives would be used to unlawfully damage and destroy vehicles and personal property, in violation of Title 18, United States Code, Section 844(n).

ACTS IN FURTHERANCE

7. To further the conspiracy, the conspirators committed acts in the Eastern District of Wisconsin, including:

- a. On or about July 4, 2021, Gerrell Bufford, Derek Smith, and Javaier Thompson traveled throughout the Eastern District of Wisconsin to procure and utilize destructive devices.
- b. On or about July 4, 2021, Gerrell Bufford, Derek Smith, and Javaier Thompson used cellular telephones to communicate about the purchase of destructive devices.
- c. On or about July 4, 2021, Gerrell Bufford, Derek Smith, and Javaier Thompson discussed how they would utilize certain destructive devices.

All in violation of Title 18, United States Code, Sections 371 and 2(a).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

8. On or about July 4, 2021, in the State and Eastern District of Wisconsin,

LAWRENCE TURNER

knowingly received and possessed a firearm, more particularly described as a white destructive device constructed with plastic tubing, not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

9. In or about July 2021, in the State and Eastern District of Wisconsin,

DEMETRIUS POWELL, aka “Nickalas Powell,”

knowingly engaged in the business of manufacturing and dealing in explosive materials without a license to do so pursuant to chapter 40 of Title 18, United States Code.

In violation of Title 18, United States Code, Sections 842(a)(1) and 844(a).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

10. In or about July 2021, in the State and Eastern District of Wisconsin,

WILLIAM LIBBY III

knowingly engaged in the business of manufacturing and dealing in explosive materials without a license to do so pursuant to chapter 40 of Title 18, United States Code.

In violation of Title 18, United States Code, Sections 842(a)(1) and 844(a).

A TRUE BILL

JOSEPH PERSON
Dated: 2/1/2022

for Richard G. Frohling
RICHARD G. FROHLING
United States Attorney